

Michigan Journal of Race and Law

Volume 3

1998

Breaking into the Academy: The 1998-2000 *Michigan Journal of Race & Law* Guide for Aspiring Law Professors

Gabriel J. Chin

University of Cincinnati College of Law

Denise C. Morgan

New York Law School

Follow this and additional works at: <https://repository.law.umich.edu/mjrl>



Part of the [Legal Writing and Research Commons](#)

Recommended Citation

Gabriel J. Chin & Denise C. Morgan, *Breaking into the Academy: The 1998-2000 Michigan Journal of Race & Law Guide for Aspiring Law Professors*, 3 MICH. J. RACE & L. 559 (1998).

Available at: <https://repository.law.umich.edu/mjrl/vol3/iss2/8>

This Feature is brought to you for free and open access by the Journals at University of Michigan Law School Scholarship Repository. It has been accepted for inclusion in Michigan Journal of Race and Law by an authorized editor of University of Michigan Law School Scholarship Repository. For more information, please contact mlaw.repository@umich.edu.

BREAKING INTO THE ACADEMY: THE 1998-2000
MICHIGAN JOURNAL OF RACE & LAW GUIDE
FOR ASPIRING LAW PROFESSORS[†]

Edited by

*Gabriel J. Chin**
*Denise C. Morgan***

Denise C. Morgan	
<i>Advice for Law Professor Wannabes</i>	559
Michele Baker Richardson	
<i>Law Teaching Fellowship Programs</i>	569
Gabriel J. Chin	
<i>Graduate Degree Programs</i>	575
Verna C. Sanchez	
<i>Legal Methods Teaching Programs</i>	582
Rebecca E. Zietlow	
<i>Writing Scholarship While You Practice Law</i>	589
Tanya K. Hernández	
<i>Placing the Cart Before the Horse: Publishing Scholarship Before Entering the Legal Academy</i>	595

† Suggestions for additions and/or corrections for the next edition of the *Guide* should be sent to: Professor Gabriel J. Chin, University of Cincinnati College of Law, Clifton & Calhoun Streets, P.O. Box 210040, Cincinnati, Ohio 45221 (e-mail: gchin@aya.yale.edu); or Professor Denise C. Morgan, New York Law School, 57 Worth Street, New York, New York 10013 (e-mail: dmorgan@nyls.edu).

* Associate Professor of Law, University of Cincinnati College of Law (as of Fall 1998); Assistant Professor of Law, Western New England College School of Law (until Spring 1998). B.A. 1985, Wesleyan University; J.D. 1988, University of Michigan Law School; LL.M. 1995, Yale Law School.

** Associate Professor of Law, New York Law School. B.A. 1986, Yale University; J.D. 1990, Yale Law School. Thanks to John Webb, New York Law School, Class of 1998, for very able research assistance.

ADVICE FOR LAW PROFESSOR WANNABES

Denise C. Morgan

I was not very far into my law school experience when I realized that my professors had the best job in town—it took me quite a bit longer to discover that I, too, could get in on the deal. Do not misunderstand me—being a law professor is not easy. In fact, when done correctly, the job requires a tremendous amount of intellectual energy, emotional commitment, long hours, and hard work. However, if you *enjoy* writing, research, public speaking, and developing mentoring relationships, being a law professor could be the career for you. This Article, and the listings of helpful organizations and citations to other articles about law teaching that follow, are intended to help guide the law professor wannabe through the process of applying for a tenure-track faculty position at a law school.

The Groundwork

Once you have set your sights upon a career in law teaching you must determine how best to position yourself to obtain a job in the field. The answer is to write, publish, and bolster your credentials. Write as many papers with as many of your law school professors as you can; write onto a journal and have your article published; work as a research assistant for a professor and write with him or her; work for a judge and write bench memos and draft opinions; work for a public interest organization or law firm and publish scholarship about the law you practice there. Whatever you do, write. In addition to providing proof of your interest in legal scholarship and supplying material from which you can fashion a job talk (a scholarly presentation that is a common feature of the interview process), writing with professors, judges, and lawyers will allow you to find mentors who will be able to vouch for your abilities when you need recommendations.

You should also consider whether you want to enter academia straight from law school or whether you prefer to practice before going into teaching. There are two schools of thought on that question. The first is that there is nothing that prepares one for law teaching better than being a law student. The argument is that time outside of an academic environment might actually be detrimental to one's ability to produce significant legal scholarship because practice trains one to use the law as a tool to advocate for particular positions and clients, not to reflect upon the law and the legal system in a broader context. The other view is that it is impossible to teach law without seeing how it works in practice, and legal scholarship is more meaningful when it draws

upon wisdom gained from at least a few years of working in the trenches. Either way, the more impressive the credentials you are able to assemble, the more likely it is that you will be able to get a teaching position. If your law school record is very strong and you feel ready to take the plunge straight into academia, go for it. However, if you are insecure about your ability to compete in the job market because you did not attend one of the more prestigious law schools or have not yet published any legal scholarship, you can improve your chances of landing a teaching position at the law school of your choice by clerking for a judge or completing an LL.M. or teaching fellowship program.

The Application

The process of applying for law teaching positions can be an ego-bruising experience—even for those who do get jobs. Chances are that you will not have faced such stiff competition for something that you wanted so desperately since sometime during puberty. Accordingly, your first step in applying for a teaching position should be to prepare yourself emotionally for the long, strange trip—self-confidence is eighty percent of what is necessary to survive the application process. After you have secured signed-and-notarized statements from your friends and family saying that they will still love you even if you don't get a teaching position at your first-choice school—get in touch with those professors, judges, and lawyers with whom you have worked most closely. Update your resume and send a copy to your mentors to let them know what you have been doing. Ask them for advice, guidance, and recommendations.

In July or August of the year before you hope to begin teaching, you should get in touch with the Association of American Law Schools (AALS). You can contact the AALS by mail: 1201 Connecticut Avenue, NW, Suite 800, Washington, DC 20036-2605; by phone: (202) 296-8851; or by fax: (202) 296-8869. While a significant number of candidates obtain job interviews outside of this formal process, the AALS does a number of things to help smooth the law professor wannabe's path into academia. For a small fee, the AALS will list your name in the Faculty Appointments Register, send you copies of its *Placement Bulletin*, and invite you to the Faculty Recruitment Conference. The fee to register with the AALS is currently \$195 (\$229 for late registration). Unless you are absolutely certain that there are only one or two law schools at which you would ever want to teach, you should give serious thought to registering with the AALS. If you are interested in joining the clinical faculty at a law school, you should also contact the Clinical Legal Education Association, which publishes the most comprehensive listing of clinical job openings.

Their address is 6020 South University Avenue, Chicago, IL 60637; phone: (773) 702-9611. Some bar associations also offer assistance to lawyers who are interested in breaking into legal academia. Finally, you should call the career services office of the law school from which you graduated and let the office know that you are looking for a teaching job. Law schools often share information about their graduates who are on the teaching market.

The AALS Faculty Appointments Register

Every year the AALS distributes a compilation of short-form resumes submitted by the candidates for law teaching jobs who register with them—usually between 1100 and 1300 people. Every law school in the country receives a copy of the register, and most of the appointments committees study it quite carefully. Accordingly, you should pay significant attention to the material you submit for inclusion. Here are a few tips:

Send your materials in to the AALS as early as possible. It is advantageous to have your short-form resume included in the earliest distribution of the Faculty Appointments Register so that law school appointments committees will receive it when they are still fresh and enthusiastic about reading it carefully.

Your AALS short-form resume should be accurate, concise, and show your strengths prominently. Neatness counts. Remember that the form will be copied *as is* for inclusion in the register. If you do not take the time to type your form, some appointments committees may not take the time to decipher your handwriting. If your name has changed since you graduated from law school, you should include your former name on your short-form resume so that faculty members on appointments committees who only know you by that name will recognize you.

The references you list on your AALS form should have had close and recent experience working with you. It is most important that they be willing to vouch for your professorial potential and that they be unequivocal supporters of your application for a teaching position.

Do a bit of soul searching before you fill out the section of the AALS form asking for your subject matter interests and primary areas of research. Law schools will expect you to exhibit a consuming passion for at least one subject matter area, not just a general interest in teaching any old thing. Find your passion. On the other hand, law schools are often looking to fill particular holes in their curriculum—so you should think broadly about subjects which you would be willing to teach. A good strategy is to identify one basic first-year course, such as contracts, torts, property, or civil procedure, that you

would be willing to teach, in addition to a more specialized area of interest, as every law school has to offer those courses every year. Whatever you do, do not leave this section blank or say that you can or will teach anything. Many schools make their initial cut of applicants by scanning the subject matter interests sections of the short form resumes.

The competition is fiercest for teaching jobs at the most prestigious schools and in the most popular geographical areas. If you really want to teach law, you should consider talking to a variety of law schools all over the country. Keep in mind that professors whose scholarship is well regarded often receive invitations for visiting professorships at other schools. Therefore, the first school at which you teach will not necessarily be the institution at which you remain for all time.

The AALS Faculty Recruitment Conference

In the beginning of November, the AALS holds an event that is fondly known as The Meatmarket. Law schools schedule interviews with candidates every thirty minutes all day long over the course of the three days of the AALS Recruitment Conference. If you have a number of interviews, the Recruitment Conference can be grueling—try to arrange your schedule so you will have time to collect yourself between each session. Also, remember that as exhausted as you may be from your trip to the conference and from fighting your way through the crowds to get to your next appointment, your interviewers are likely to be even more drained than you are. They have been sitting in a small room for days on end, poring over resumes and listening to candidates. A few thoughts on how to make your interviews go smoothly:

Be on time. Tardiness is not the way to make a good first impression, and you may not have a chance to make a better second impression. Dress the part and bring extra copies of your resume and written work with you.

Do some homework about the schools with which you will be interviewing and the professors with whom you will be meeting. Be prepared to ask questions about the law school. For example, you might want to know what support is available to help you with your research and writing projects, how collegial the faculty is, what your first year teaching load is likely to be, and what the caliber of the student body is.

Refamiliarize yourself with your own written work—there is nothing more embarrassing than having your interviewer remember your article(s) better than you do.

Do not spend your entire interview time exchanging pleasantries. Your interviewers want to see your ability to manipulate legal doctrine, not cocktail party chat. Do not leave them with the impression that you are a nice person who is not particularly interested in talking about the law.

Most importantly, by the time you get to The Meatmarket you *must* be able to answer the following question in your sleep: "Why do you want to go into law teaching?" In responding to this question you have the opportunity to show your interviewers your enthusiasm for teaching, scholarship, and the law—don't be humdrum. Your answer to this question should not be that you do not like your current job or that you are looking for an easier lifestyle. Law schools are looking to hire people who affirmatively want to teach, not people who are running from their past mistakes. In addition, your interviewers are trying to determine whether you will be prolific in your writing and active in school affairs—saying that you are looking for work that is easier or more laid back than your current job is not the best way to show that you take the hard work required for law teaching seriously. In addition, you should be able to talk about the direction in which you see your scholarship developing in the upcoming years. Law schools want to hire people who have already given some thought to what they would like to research and write about when they become professors. So, when your interviewers ask you whether you have a research agenda, your answer should be "yes."

The Job Talk

Law Schools operate on different schedules after the AALS Recruitment Conference. Some schools contact applicants immediately after the conference, and others wait up to five or six weeks after the conference to get in touch with applicants whom they are interested in inviting to campus for further interviews. In fact, some schools begin making offers to applicants as early as November, and others don't get around to hiring anyone until March or April of the next year. There is just no predicting.

Be that as it may, the earlier you start working on your job talk, the better. Try to pick a subject that will sustain your interest and that of your audience. It isn't necessary for you to have completed a publishable piece, but the more practice you have articulating your ideas and the more questions you have addressed *before* you present your job talk to a faculty, the better. Discuss your talk with anyone who will listen to you: I have found my family and non-lawyer friends to be particularly helpful in teaching me how to articulate legal concepts clearly.

The final step in the application process is the on-campus interview. Some schools invite candidates to give job talks during their first call back—others have a several-stage process in which candidates first interview with individual faculty members or give a short presentation to the faculty hiring committee and then may be invited back to give a full-fledged job talk. Ask what will be expected of you—you really don't want to be surprised.

The purpose of the job talk is three-fold. First, the faculty is trying to evaluate your ability to communicate ideas to a class. Therefore, your presentation should be well organized and delivered at a level of complexity that will engage your listeners whether or not they are experts in the field on which you are speaking. Second, the faculty is trying to discover what sort of problems you are interested in thinking and writing about and how you will approach those problems. Talk about something that you know well, and highlight the larger constitutional and philosophical implications of your ideas. Last, the faculty is trying to determine whether you are willing and able to engage in dialogue about your ideas. You should not treat the question and answer period after your job talk as an interrogation session but rather as an opportunity to clarify and improve your ideas with the assistance of other thoughtful people and as a chance to show that you can be self-critical about your work.

After your presentation to the faculty, the ball is in the law school's court. If you are fortunate enough to have more than one school interested in your application at this stage of the process, remember that the ordinary rules of courtesy still apply. If you receive an offer from one law school before you are scheduled to present your job talk to your "dream" school, it is probably wise to explain your situation to both schools in the hope of buying yourself some time on your first offer.

Good luck. And remember that law teaching really is the best job in town.

Addresses and Phone Numbers of Helpful Organizations

Association of American Law Schools
1201 Connecticut Avenue, NW, Suite 800
Washington, DC 20036-2605
(202) 296-8851
(202) 296-8869 (fax)

Comments: Publishes the Faculty Appointments Register, the *Placement Bulletin*, and the *Journal of Legal Education*, and holds a Faculty Recruitment Conference.

Clinical Legal Education Association
6020 South University Avenue
Chicago, IL 60637-2786
(773) 702-9611

Comments: Publishes a listing of clinical job openings.

Hispanic National Bar Association
P.O. Box 66105
Washington, DC 20035
(202) 293-1507
(202) 293-1508 (fax)
hnba@aol.com

Comments: Annual convention in October includes workshops for aspiring law professors.

Becoming a Law Professor: A Program for Minority Lawyers and Law Students
St. Mary's University School of Law
One Camino Santa Maria
San Antonio, TX 78228-8603
(210) 431-2110

Contact: Professor Reynaldo Anaya Valencia

Comments: Holds day-long program in June to inform minority lawyers and law students about the process of pursuing a career as a law professor.

Articles About Applying for Law Teaching Jobs

Jon W. Bruce & Michael I. Swygert, *The Law Faculty Hiring Process*, 18 HOUS. L. REV. 215 (1981).

Clark Byse, *Fifty Years of Legal Education*, 71 IOWA L. REV. 1063 (1986).

Pat K. Chew, *Law and Your Economics: The Hidden Job Market and the Faculty Recruitment Process: The In-House Interview*, 10 ST. LOUIS U. PUB. L. REV. 247 (1991).

George C. Christie, *The Recruitment of Law Faculty*, 1987 DUKE L.J. 306.

James E. Jones, Jr., *The Hastie Program at Wisconsin*, 10 ST. LOUIS U. PUB. L. REV. 257 (1991).

Elyce H. Zenoff & Jerome A. Barron, *So You Want to Be a Law Professor?*, 12 J.L. & EDUC. 379 (1983).

Don Zillman et al., *Uncloaking Law School Hiring: A Recruit's Guide to the AALS Faculty Recruitment Conference*, 38 J. LEGAL EDUC. 345 (1988).

Articles on the Demographics of the Law-Teaching Profession

Derrick Bell & Richard Delgado, *Minority Law Professors' Lives: The Bell-Delgado Survey*, 24 HARV. C.R.-C.L. L. REV. 349 (1989).

Robert J. Borthwick & Jordan R. Schau, *Gatekeepers of the Profession: An Empirical Profile of the Nation's Law Professors*, 25 U. MICH. J.L. REF. 191 (1991).

Pat K. Chew, *Asian Americans in the Legal Academy: An Empirical and Narrative Profile*, 3 ASIAN L.J. 7 (1996).

Richard H. Chused, *The Hiring and Retention of Minorities and Women on American Law School Faculties*, 137 U. PA. L. REV. 537 (1988).

Christine H. Farley, *Confronting Expectations: Women in the Legal Academy*, 8 YALE J.L. & FEMINISM 333 (1996).

Valerie Fontaine, *Progress Report: Women and People of Color in Legal Education and the Legal Profession*, 6 HASTINGS WOMEN'S L.J. 27 (1995).

Donna Fossum, *Law Professors: A Profile of the Teaching Branch of the Legal Profession*, 1980 AM. B. FOUND. RES. J. 501.

Lani Guinier et al., *Becoming Gentlemen: Women's Experiences at One Ivy League Law School*, 143 U. PA. L. REV. 1 (1994).

Charles R. Lawrence III, *Minority Hiring in AALS Law Schools: The Need for Voluntary Quotas*, 20 U.S.F. L. REV. 429 (1986).

Jerome McCristal Culp, Jr., *Voice, Perspective, Truth, and Justice: Race and the Mountain in the Legal Academy*, 138 LOY. L. REV. 61 (1992).

Carrie Menkel-Meadow, *Excluded Voices: New Voices in the Legal Profession Making New Voices in the Law*, 42 U. MIAMI L. REV. 29 (1987).

Deborah Jones Merritt, Remarks, *The Status of Women on Law School Faculties: Recent Trends in Hiring*, 1995 U. ILL. L. REV. 93.

Deborah Jones Merritt & Barbara F. Reskin, *Sex, Race and Credentials: The Truth about Affirmative Action in Law Faculty Hiring*, 97 COLUM. L. REV. 199 (1997).

Deborah J. Merritt & Barbara F. Reskin, *The Double Minority: Empirical Evidence of a Double Standard in Law School Hiring of Minority Women*, 65 S. CAL. L. REV. 2299 (1992).

Michael A. Olivas, *The Education of Latino Lawyers: An Essay on Crop Cultivation*, 14 CHICANO-LATINO L. REV. 117 (1994).

Richard A. White, *The Gender and Minority Composition of New Law Teachers and AALS Faculty Appointments Register Candidates*, 44 J. LEGAL EDUC. 424 (1994).

Articles on Role Models and Law Teaching

Adeno Addis, *Role Models and the Politics of Recognition*, 144 U. PA. L. REV. 1377 (1996).

Kimberlé Williams Crenshaw, *Forward: Toward a Race-Conscious Pedagogy in Legal Education*, 11 NAT'L BLACK L.J. 1 (1989).

James Eagar, *The Right Tool for the Job: The Effective Use of Pedagogical Methods in Legal Education*, 32 GONZ. L. REV. 389 (1996-97).

Judith D. Fischer, *Portia Unbound: The Effects of a Supportive Law School Environment on Women and Minority Students*, 7 UCLA WOMEN'S L.J. 81 (1996).

Steven I. Friedland, *How We Teach: A Survey of Teaching Techniques in American Law Schools*, 20 SEATTLE U. L. REV. 1 (1996).

Alex M. Johnson, Jr., *The Underrepresentation of Minorities in the Legal Profession: A Critical Race Theorist's Perspective*, 95 MICH. L. REV. 1005 (1997).

Denise C. Morgan, *Role Models: Who Needs Them Anyway?*, 6 BERKELEY WOMEN'S L.J. 122 (1991).

Lucia Ann Silecchia, *Legal Skills Training in the First Year of Law School: Research? Writing? Analysis? Or More?*, 100 DICK. L. REV. 245 (1996).

LAW TEACHING FELLOWSHIP PROGRAMS

*Michele Baker Richardson***Teaching Fellow, Stanford Law School, 1991-92*

A number of law schools have developed teaching fellowship programs that can be useful to someone who wants to pursue a career in academics. The programs differ in character, and some may be more helpful than others. The programs listed here are among the most desirable—they are tuition-free, and most even offer stipends. Accordingly, they are highly selective. Many of these programs offer fellows the opportunity to teach in a substantive area. All will expose participants to the legal academic environment and allow for participation in faculty development workshops and colloquia. Of greater importance, perhaps, is the opportunity to consider and develop one's own scholarship. Although the rigors of some programs are substantial, most allow fellows much more time and support than they would have in the private sector to pursue work on scholarly interests. The association with an academic institution also can assist fellows in publishing their work. Further, a number of programs allow teaching fellows to pursue an advanced degree during their tenure as teaching fellows. Obtaining this advanced degree, particularly from a highly ranked institution, can be a significant benefit. Fellows who choose to pursue advanced degrees may have opportunities to work with notable professors in their field who can later serve as references during their search for a tenure-track position.

An increasing number of fellowship programs have been developed at prestigious institutions which have the sole aim of allowing fellows to pursue academic writing in an effort to assist them in obtaining full-time, tenure-track positions. Some, but not all, of these programs are targeted towards groups that are under-represented in legal academia. Almost all of these programs require fellows to obtain an advanced degree during their course of study. A number of these programs encourage fellows to develop and teach a substantive course.

When you are looking at these programs, it is important to inquire about the focus of the program, the participation of fellows in institutional activities, and the placement record of former fellows in tenure-track positions. It is also important to keep in mind that most institutions do not hire their fellows as full-time, tenure-track

* Assistant Professor, Chicago-Kent College of Law. B.A. 1985, Brown University; J.D. 1990, Yale Law School.

professors, although they may offer a great deal of assistance in obtaining such a position at another school.

In summary, teaching fellowships can provide an excellent opportunity and a "leg up" to the individual who is interested in pursuing a career in law teaching, particularly in the competitive market that applicants now face. Be sure to do your research before selecting programs to apply to, and have your own agenda in mind when you begin work on your fellowship. The fellowship opportunity ultimately will be what you make of it.

Listing of Teaching Fellowship Programs

Georgetown University Law Center
Appellate Litigation Fellowship
111 F Street, NW, Suite 123
Washington, DC 20001-2095
(202) 662-9555
Contact: Professor Steven H. Goldblatt, Director
Deadline: December 15
Comments: For LL.M. candidates interested in intensive and advanced training as litigators.

Georgetown University Law Center
Applied Legal Studies Fellowship
600 New Jersey Avenue, NW
Washington, DC 20001-2095
(202) 662-9565
Contact: Professor David A. Koplow and Professor Philip G. Schrag, Co-Directors
Deadline: December 1
Comments: Two-year clinical teaching fellowship. The Center focuses on political asylum and immigration cases.

Georgetown University Law Center
Committee on State Taxation Fellowship
600 New Jersey Avenue, NW
Washington, DC 20001-2075
(202) 662-9015
Contact: Lee Carol Cook, Director of Admissions
Deadline: May 1
Comments: Designed for those interested in state and local taxation.

Georgetown University Law Center
Criminal Justice and Juvenile Justice Clinics
E. Barrett Prettyman & Stuart Stiller Fellowships
111 F Street, NW
Washington, DC 20001-2095
(202) 662-9575
Contact: Professor John M. Copacino, Director
Deadline: December 1
Comments: Designed to provide instruction in trial advocacy and practical experience representing clients in court.

Georgetown University Law Center
Federal Legislation Clinic Fellowship
111 F Street, NW
Washington, DC 20001-2095
(202) 662-9595
Contact: Professor Chai R. Feldblum, Director
Deadline: December 1
Comments: Focuses on the study of the federal legislative process.

Georgetown University Law Center
Fellowship Program for Future Law Professors
600 New Jersey Avenue, NW
Washington, DC 20001-2075
(202) 662-9015
Contact: Lee Carol Cook, Director of Admissions
Deadline: February 1
Comments: Designed to increase the diversity of the law teaching profession and to bring underrepresented perspectives to the development of legal scholarship.

Georgetown University Law Center
Harrison Institute for Public Law Fellowship
111 F Street, NW
Washington, DC 20001-2095
(202) 662-9603
Contact: Professor Robert Stumberg, Clinical Director
Deadline: February 1
Comments: Two-year fellowship at the Harrison Institute.

Georgetown University Law Center
Institute for Public Representation Fellowship
111 F Street, NW
Washington, DC 20001-2095
(202) 662-9535
Contact: Professor Douglas L. Parker, Director
Deadline: November 15
Comments: The Institute provides legal representation to underrepresented groups and interests.

Georgetown University Law Center
Law Related Education Fellowship (Street Law)
111 F Street, NW
Washington, DC 20001-2095
(202) 662-9615
Contact: Professor Richard L. Roe, Director
Deadline: December 18
Comments: Designed for those interested in developing research, teaching, and supervisory abilities in a law school clinical and public interest setting.

Georgetown University Law Center
Women's Law & Public Policy Fellowship
111 F Street, NW
Washington, DC 20001-2095
(202) 662-9650
Contact: Professor Judy Wolf, Director
Deadline: November 1
Comments: One-year fellowship for recent law graduates interested in working on women's rights issues in Washington, DC.

Harvard Law School
Charles Hamilton Houston Fellowship for Law Teaching
Reginald F. Lewis Fellowship for Law Teaching
Griswold 200
Cambridge, MA 02138
(617) 495-4620
Contact: Vice-Dean David Smith
Deadline: February 15
Comments: Two separate fellowships designed to train prospective law teachers who will enhance the diversity of the profession. Minority candidates are encouraged especially.

University of Iowa College of Law
Faculty Fellow Program
Iowa City, IA 42242
(319) 335-9171

Contact: Professor Randall Bezanson

Deadline: Rolling admissions. Decisions usually made in the Spring.

Comments: This is a one- or two-year fellowship for a prospective law teacher who will add diversity to the law teaching profession.

Pension Benefit Guaranty Corporation Fellowship Program
600 New Jersey Avenue, NW
Washington, DC 20001-2075
(202) 662-9015

Contact: Lee Carol Cook, Director of Admissions

Deadline: June 1

Comments: Fellowship recipients work as full-time, entry-level attorneys in the Office of the General Counsel of the PBGC.

University of South Dakota School of Law
Indian Law Fellowship
414 East Clark St.
Vermillion, SD 57069
(605) 677-5361

Contact: Professor Frank R. Pommersheim

Deadline: May 15

Comments: Six-month fellowship for those who have experience in Indian law and who intend to continue working in that field.

Temple University School of Law
Office of Graduate Programs, Room 710
Graduate Teaching Fellowship Program
1719 North Broad Street
Philadelphia, PA 19122-6098
(215) 204-8982

INTL_LAW@vm.temple.edu

Contact: Adelaide Ferguson, Assistant Dean for Graduate and International Programs

Deadline: January 15

Comments: Two-year fellowship for prospective law teachers leading to an LL.M. Minority candidates especially are encouraged to apply.

Tulane University Law School
Environmental Law Fellowship
6329 Freret Street
Weinmann Hall, Suite 130
New Orleans, LA 70118
(504) 865-5789
admissions@law.tulane.edu
Contact: Professor Robert Kuehn
Deadline: Varies according to availability of fellowship
Comments: Fellowship leading to an LL.M. Students may concentrate on energy or environmental studies.

Tulane University Law School
Maritime Law Fellowship Program
Weinmann Hall, Suite 203
New Orleans, LA 70118
(504) 865-5930 (admissions)
(504) 865-5947 (program director)
amyjohnson@law.tulane.edu
Contact: Professor Robert Force, Director
Deadline: March 1
Comments: Fellowship leading to an LL.M. in Admiralty.

University of Wisconsin Law School
William H. Hastie Fellowship Program
975 Bascom Mall, Room 4312
Madison, WI 53706-1399
(608) 262-8577
ricorrea@facstaff.wisc.edu
Contact: Dean Robert Corrales
Deadline: January 15
Comments: Two-year LL.M. program designed to increase racial and ethnic diversity in the law teaching profession. Students research and write a thesis during the first year of the program and teach during the second year.

Yale Law School
Robert M. Cover Fellowship in Public Interest Law
P.O. Box 209090
New Haven, CT 06520-9090
(203) 432-4800
Contact: Professor J.L. Pottenger, Jr.
Deadline: March 1
Comments: Two-year program designed to train prospective clinical law professors.

GRADUATE DEGREE PROGRAMS

*Gabriel J. Chin**LL.M., Yale Law School, 1995*

If you already have a Supreme Court clerkship on your resume, and Larry Tribe and Ronnie Dworkin were the second and third authors on your latest *Harvard Law Review* piece, congratulations; you don't need to get an LL.M., or to read this *Guide*, for that matter. However, if you are like most applicants for law teaching jobs, that is, you have an outstanding but not quite perfect record, an LL.M. program might be worth considering. For many aspiring law professors, an LL.M. offers practical and intellectual benefits that can help obtain a teaching position and ease the transition from practice to teaching. Earning an additional degree, especially from a prestigious school, will provide a useful credential. The value of an LL.M. is demonstrated by the success of those who hold the degree: a quick and dirty search of the on-line version of the 1996-97 *Directory of Law Teachers* showed that 1608 law professors hold LL.M. degrees. It also pays to choose your school carefully. NYU boasts 281 LL.M. graduates in teaching. In addition, there are 261 from Harvard, 163 from Yale, 123 from Georgetown, 113 from Columbia, 58 from George Washington, 47 from Michigan, 44 from Temple, 42 from Illinois and 34 from Virginia. These ten schools account for nearly three quarters of the LL.M.s who hold teaching appointments.

If you have been in practice a few years, an LL.M. is also a great way of proving your interest in academia. Law school faculty appointments committees often suspect that long-time practitioners might be looking for teaching jobs primarily as a means of escaping the rat race. This raises doubts both about an applicant's interest in teaching and in his or her ability to make the transition. Because LL.M. candidates spend time and money on this academic pursuit, they may distinguish themselves from applicants of otherwise similar qualifications. Spending a year on campus will also give you an opportunity to become reacquainted with legal academia; unless your J.D. is very new, during your LL.M. year, you may find yourself exposed to recent scholarly developments for the first time. An LL.M. program also can give you fresh references familiar with your current abilities.

For many people, the most important benefit of an LL.M. program will be the opportunity to write an article or two. Writing and publishing are critical not only for tenure purposes but, increasingly, for getting your very first job as a law teacher. When I was deciding where to go for a graduate law program, I looked for one

where I would be able to write. My program required twenty-four credits but was largely unstructured. Therefore, I was able to sign up for a variety of independent studies and seminars. I got what I paid for—my paper for Peter Schuck's immigration seminar became *The Civil Rights Revolution Comes to Immigration Law: A New Look at the Immigration and Nationality Act of 1965*,¹ and Jack Balkin's Multiculturalism and the Constitution class required a paper which turned into *Bakke to the Wall: The Crisis of Bakkean Diversity*.² I completed an independent study with Steven Duke that was published as *Getting out of Jail Free: Sentence Credit for Periods of Mistaken Liberty*³ and an independent study with Owen Fiss that is not yet published and remains in inventory. My experience was hardly unusual; many LL.M. students graduate with several publishable papers nearly completed.

Look for a program that aims at producing law professors and has a successful placement history. Some LL.M. programs (even very famous ones) are treated as poor stepchildren of the J.D. programs, or as moneymakers for the schools. A little of this may be unavoidable because the J.D. program is the central mission of all law schools, but investigate the LL.M.s' access to faculty, the faculty's attitude towards them, and financial aid for LL.M.s, which are indicators of how you will be received. Most LL.M. programs last only one year. Because of the timing of the AALS hiring meeting, you should try, if at all possible, to find something to do for the year after your LL.M. It was awful interviewing for jobs during the very first semester of my LL.M. program. A two-year LL.M. program, a clerkship, a J.S.D., or a fellowship for the second year might avoid that problem.

If you are very well-off, you also might consider a "visiting scholar" program. These programs go by various names, but some law schools will make their resources available to researchers for a semester or a school year. These spots usually go to foreign professors on leave or to American law teachers on leave or on research sabbaticals, but an energetic practicing lawyer considering academia might be considered. Usually, visitors are required to pay for the privilege. What you get in exchange is access to large libraries, colloquia, and, depending on your charm, professors who might read your work or otherwise offer advice. If you want to write a paper and can afford to be a visiting scholar, it could be worth thinking about.

1. Gabriel Chin, *The Civil Rights Revolution Comes to Immigration Law: A New Look at the Immigration and Nationality Act of 1965*, 75 N.C. L. REV. 273 (1996).

2. Gabriel Chin, *Bakke to the Wall: The Crisis of Bakkean Diversity*, 4 WM. & MARY BILL RTS. J. 881 (1996).

3. Gabriel Chin, *Getting out of Jail Free: Sentence Credit for Periods of Mistaken Liberty*, 45 CATH. U. L. REV. 403 (1996).

Graduate Degrees in Law

Master of Laws (LL.M.)
Master of Comparative Law (M. Comp. L. or M.C.L.)
Master of Comparative Jurisprudence (M.C.J.)
Doctor of the Science of Law (J.S.D.)
Doctor of Juridical Science (S.J.D.)
Doctor of Philosophy (Ph.D.)
Doctor of Comparative Law (D.C.L.)

Listing of Selected Graduate Programs

American University
Washington College of Law
Office of Admissions for the LL.M. Program on Law and Government
4801 Massachusetts Avenue, NW
Washington, DC 20016
(202) 274-4268
lawandgov@wcl.american.edu
Graduate Programs Offered: LL.M. in Administrative Law and Regulatory Policy.

University of California at Berkeley School of Law
354 Boalt Hall
Berkeley, CA 94720-7200
(510) 642-1476
Graduate Programs Offered: LL.M., J.S.D., and M.A. or Ph.D. in Jurisprudence and Social Policy.

University of California at Los Angeles School of Law
Graduate LL.M. Program
Box 951476
Los Angeles, CA 90095-1476
(310) 206-6967
(310) 825-6023 (fax)
Graduate Programs Offered: LL.M.

University of Chicago Law School
Admissions Office
1111 East 60th Street
Chicago, IL 60635
(773) 702-9484
Graduate Programs Offered: LL.M., M.C.L., J.S.D., D.C.L.

Columbia University School of Law
Graduate Legal Studies Program
435 West 116th Street
New York, NY 10027
(212) 854-2655
JAK@Law.Columbia.edu
Graduate Programs Offered: LL.M., J.S.D.

Cornell University Law School
LL.M. Admissions and International Programs Office
Myron Taylor Hall
Ithaca, NY 14853
(607) 255-2362
Graduate Programs Offered: LL.M., J.S.D., Visiting Scholar.

Duke University School of Law
Science Drive and Towerview Road
Box 90393
Durham, NC 27708-0393
(919) 613-7020
Graduate Programs Offered: LL.M., S.J.D.

Franklin Pierce Law Center
2 White Street
Concord, NH 03301
(603) 228-1541
graduateprograms@fplc.edu
Graduate Programs Offered: LL.M. in Intellectual Property.

George Washington University Law School
Graduate Programs Office
720 20th Street, NW
Washington, DC 20052
(202) 994-0715
(202) 994-4500
grad@main.nlc.gwu.edu
Graduate Programs Offered: LL.M. in Environmental Law, Government Procurement Law, Intellectual Property Law, International and Comparative Law, and Litigation and Dispute Resolution; S.J.D. in International and Comparative Law. George Washington also offers the Shaw Graduate Fellowship in Environmental Law.

Georgetown University Law Center
International and Graduate Programs Office
600 New Jersey Avenue, NW
Washington, DC 20001
(202) 662-9036

Graduate Programs Offered: LL.M. in Advocacy (Clinical teaching), Common Law Studies (for foreign lawyers), International and Comparative Law, Taxation, Securities & Financial Regulation, Individualized; S.J.D.; Visiting Scholars and Researchers.

Harvard Law School
Graduate Program
Office of Admissions
1557 Massachusetts Avenue
LILC 208
Cambridge, MA 02138
(617) 495-3135

gpadmit@law.harvard.edu

Graduate Programs Offered: LL.M., S.J.D., Visiting Scholar.

University of Illinois College of Law
504 East Pennsylvania Avenue
Champaign, IL 61820
(217) 244-6415

Graduate Programs Offered: LL.M., M.C.L.

University of Iowa
Graduate Program in International and Comparative Law
Office of Admissions
University of Iowa College of Law
Iowa City, IA 52242
(319) 335-9142

Graduate Programs Offered: LL.M., Visiting Scholar.

University of Michigan Law School
International and Graduate Office
801 Monroe Street
Ann Arbor, MI 48109-1215
(313) 764-0535

law.grad.admissions@umich.edu

Graduate Programs Offered: LL.M. in General Studies, International Law, and International Economic Law; M.C.L.; S.J.D.; Research Scholar.

New York University School of Law
Vanderbilt Hall, Room 402
40 Washington Square South
New York, NY 10012
(212) 998-6060

Graduate Programs Offered: LL.M. in General Studies, Corporations, Taxation, International Taxation, Trade Regulation, International Legal Studies; M.C.J.; J.S.D.

Northwestern University School of Law
Graduate and International Studies Program
357 East Chicago Avenue
Chicago, IL 60611
(312) 503-1421
Graduate Programs Offered: LL.M., S.J.D.

University of Pennsylvania Law School
3400 Chestnut Street
Philadelphia, PA 19104
(215) 898-7400
Admissions@oyez.law.upenn.edu
Graduate Programs Offered: LL.M., S.J.D.

Stanford University Law School
Stanford, CA 94305-8610
(416) 723-4985
Graduate Programs Offered: J.S.D.

Temple University School of Law
Office of Graduate and International Legal Studies
1719 North Broad Street
Philadelphia, PA 19122
(215) 204-1448
intl_law@vm.temple.edu
Graduate Programs Offered: LL.M. in Taxation, Trial Advocacy, Transnational Law; the Graduate Teaching Fellowship Program leads to the LL.M.

The University of Texas School of Law
Post Office Box 149105
Austin, TX 78714-9105
(512) 471-8268
Graduate Programs Offered: LL.M.

Tulane University Law School
Graduate Studies Program
Weinmann Hall, Suite 203
New Orleans, LA 70118-5670
(504) 865-5930
Graduate Programs Offered: LL.M. in General, Admiralty,
Energy & Environment, and International & Comparative
Law; S.J.D.

University of Virginia School of Law
Graduate Studies Office
580 Massie Road
Charlottesville, VA 22903-1789
(804) 924-3154
Graduate Programs Offered: LL.M., S.J.D., Scholar-in-Residence.

University of Washington School of Law
Office of Graduate Admissions
1100 N.E. Campus Parkway
Seattle, WA 98105-6617
(206) 543-2283
(206) 616-5964 (Tax Program only)
gradlaw@u.washington.edu
Graduate Programs Offered: LL.M. in Asian and Comparative
Law (April 1 deadline), Law and Marine Affairs (April 1
deadline), International Environmental Law and Sustainable
International Development (May 1 deadline), Taxation (July 1
deadline); Ph.D. in Asian Law.

University of Wisconsin Law School
Graduate Programs Committee
975 Bascom Mall, Room 4312
Madison, WI 53706
(608) 262-9120
Graduate Programs Offered: LL.M., S.J.D.

Yale Law School
Graduate Programs Office
P.O. Box 208215
New Haven, CT 06520-8215
(203) 432-1696
Graduate Programs Offered: LL.M., J.S.D., M.S.L., Visiting
Scholar.

LEGAL METHODS TEACHING PROGRAMS

Verna C. Sanchez*

Instructor, Lawyering Program, N.Y.U. School of Law (1988–90)

This area of law goes by a number of names: legal writing, legal methods, lawyering skills, legal process, etc. It is difficult to make absolute statements about this course, as the design and structure vary so much among law schools. With that caveat, however, the general parameters of this required first-year course are that students are taught the basics of legal analysis—how to read and think about the law, how to do legal research, and how to do legal writing.

Teaching legal methods is one way to gain entry into the legal academy. Many people start out teaching in this area and move on to other areas of law when they are able. However, there is also a large cadre of people throughout the country who are interested in and committed to staying in this area of teaching. This course attempts to lay the foundations for, and then build on the basic and necessary skills any law student or lawyer needs for, the practice of law—that is, how to read and think about the law and legal problems; how to find the answers to those problems; how to evaluate the law and to craft in an articulate, coherent, logical, and orderly way the answers to those problems; and how to convey those answers to others. It is a labor-intensive course, as there are typically a number of writing assignments that are commented upon as well as graded throughout the semester or year—in many schools this is a two semester course. The assignments typically include one or two memos—often a closed research memo and an open research one. It also includes one or more research assignments and may also include a persuasive document, such as an appellate brief. One of the great advantages to teaching this course is that you have the opportunity to get to know your students and their work, as the course is taught effectively only in small sections. This experience is quite different from any other first-year course and from many upper-level courses as well.

Anyone wishing to enter this area of the law should be aware that, despite the tremendous value and importance of what is taught in this course, in many law schools there is a perception that this is a “soft” area of teaching, i.e., it does not require any skill to teach it. Consequently, the status of the course and the people who teach

* Associate Professor, Roger Williams University School of Law (1994–97). B.A. 1977, Clark University; J.D. 1981, Northeastern University School of Law.

it can vary widely, from tenure-track professors to adjuncts and third-year law students. Some schools have a limited two- or three-year track for people teaching in this area (for example, New York University's Lawyering Program) that affords an excellent opportunity to enter academia, get a few years of teaching experience, and possibly write and publish an article. Other schools have established programs, with a Director of the Legal Methods Program (for example, University of Arkansas or Roger Williams University School of Law). Depending upon your areas of teaching interest, look carefully at the structure and status of any legal methods program for which you apply.

Listing of Legal Methods Teaching Programs

University of Arkansas School of Law
Robert A. Leflar Law Center
Legal Research and Writing Program
Fayetteville, AR 72701
(501) 575-6939
Contact: Professor Terry Seligmann
Deadline: February 1
Position: Research Assistant Professor of Legal Writing

Boston University School of Law
First Year Writing Program
765 Commonwealth Avenue, Room 752
Boston, MA 02215
(617) 353-3107
Contact: Professor Robert Volk, Director
Deadline: First week of April
Position: Instructor

Brooklyn Law School
Legal Writing Program
250 Joralemon Street
Brooklyn, NY 11201
(718) 780-7921
Contact: Professor Marilyn Walter, Director of the Writing Program
Deadline: Early May for adjuncts, early February for full time instructors
Position: Legal Writing Advisor

Catholic University of America Columbus School of Law
Lawyering Skills Program
Washington, DC 20064
(202) 319-5140
Contact: Michael Koby, Director
Deadline: March 1
Position: Instructor

Chicago-Kent College of Law
Legal Research and Writing Program
565 West Adams Street
Chicago, IL 60661
(312) 906-5345
Contact: Professor Molly Warner Lien
Deadline: Early October
Position: Visiting Assistant Professor

University of Chicago Law School
Bigelow Fellowship
1111 East 60th Street
Chicago, IL 60635
(312) 702-9567
Contact: Professor Dan Kahan
Deadline: January 1
Position: Bigelow Fellow

University of Colorado School of Law
Legal Research and Writing Program
Campus Box 401
Boulder, CO 80309-0401
(303) 492-7420
Contact: Professor J. Dennis Hynes
Deadline: April 1
Position: Instructor

Columbia University School of Law
Associate in Law Program
435 116th Street
New York, NY 10027
(212) 854-2655
Contact: Professor Philip Genty
Deadline: January 1
Position: Associate in Law

George Washington University Law School
Legal Research & Writing Program
2000 H Street, NW
Washington, DC 20052
(202) 994-1005
Contact: Amy Sloan
Deadline: April 1
Position: Adjunct Instructor

Georgetown University Law Center
Legal Research & Writing Program
600 New Jersey Avenue
Room 540
Washington, DC 20001
(202) 662-9525
Contact: Professor Jill Ramsfield
Deadline: End of December
Position: Professor

Howard University School of Law
Legal Research and Writing Program
2900 Van Ness Street, NW
Washington, DC 20008
(202) 806-8017
Contact: Professor Steven D. Jamar, Director
Deadline: October 1
Position: Instructor

University of Illinois at Urbana-Champaign College of Law
Legal Research & Writing Program
504 East Pennsylvania Avenue
Champaign, IL 61820
(217) 333-3232
Contact: Terrill Pollman
Deadline: January 1
Position: Instructor of Law

Mercer University School of Law
Legal Writing and Analysis Program
1021 Georgia Avenue
Macon, GA 31207-0001
(912) 752-2191
Contact: Professor Linda Edwards, Director
Deadline: April 30
Position: Assistant Professor of Legal Writing & Analysis

Northwestern University School of Law
Legal Research and Writing Program
357 East Chicago Avenue
Chicago, IL 60611
(312) 503-8454
Contact: Professor Helene S. Shapo, Director
Deadline: Rolling admissions
Position: Instructor

University of the Pacific McGeorge School of Law
Legal Writing Program
3200 Fifth Avenue
Sacramento, CA 95187
(916) 739-7226
Contact: Amy Hempel, Director
Deadline: March 19
Position: Legal Writing Instructor

St. Thomas University School of Law
Legal Writing Program
16400 N.W. 32nd Avenue
Miami, FL 33054
(305) 623-2300
Contact: Professor Peter B. Bayer, Director of Legal Writing
Deadline: None
Position: Legal Writing Faculty

University of San Diego School of Law
Lawyering Skills I Program
5998 Alcala Park
San Diego, CA 92110
(619) 260-4761
Contact: Deirdre S. Alfred, Director
Deadline: January 1
Position: Lawyering Skills I Instructor

Seattle University School of Law
Legal Writing Program
950 Broadway Plaza
Tacoma, WA 98402
(253) 591-2233
Contact: Laurel Oates, Director
Deadline: March 1
Position: Legal Writing Professor

Stanford Law School
Legal Research and Writing Program
Stanford, CA 94305-8610
(650) 723-4985
Contact: Faye Deal
Deadline: December 1
Position: Teaching Fellowship

Suffolk Law School
Legal Practice Skills Program
41 Temple Street
Boston, MA 02114-4280
(617) 573-8197
Contact: Bernadette Feeley, Acting Director
Deadline: January 15
Position: Instructor

Temple University School of Law
Graduate Teaching Fellowship Program
1719 North Broad Street
Philadelphia, PA 19122
(215) 204-1448
Contact: Adelaide Ferguson, Assistant Dean for Graduate Programs
Deadline: January 15
Position: Graduate Fellowships

University of Toledo College of Law
Legal Research and Writing Instructor Program
2801 West Bancroft
Toledo, OH 43606-3390
(419) 530-4164
Contact: Chair, Faculty Appointments Committee
Deadline: January 15
Position: Legal Research & Writing Instructor

Vermont Law School
Legal Writing Program
P.O. Box 96
South Royalton, VT 05068
(802) 763-8303 ext. 2216
Contact: Cam MacRae
Deadline: February 1
Position: Assistant Professor of Legal Writing

Western New England College School of Law
Lawyering Process Program
1215 Wilbraham Road
Springfield, MA 01119-2689
(413) 782-1426
Contact: Professor Chris Iijima, Director
Deadline: March 1
Position: Lawyering Process Instructor

WRITING SCHOLARSHIP WHILE YOU PRACTICE LAW

*Rebecca E. Zietlow**

So you've decided that you would like to look for an academic job. You know that one of the best ways to improve your odds as one among the hundreds of candidates who have the same idea is to publish an article in a law journal. Yet the thought of doing so on top of your packed schedule seems too daunting even to contemplate. About two and a half years ago, I was in your position. Working as a staff attorney in a south side Legal Services office in Chicago, I had little to no extra energy, either psychic or physical, for the task of publishing. Yet I was able to write an article and have it accepted for publication in an established law review.⁴ The following is a guide to writing while you practice.

Coming Up with a Topic

By far the most important and perhaps the most difficult part of writing is coming up with an original and interesting topic. You should have decided on a topic by the time you attend the fall hiring conference so that you can discuss it with your interviewers. When I attended the AALS hiring conference for the first time, I did not have a clear topic for scholarship in my head. Don't make the same mistake. You cannot assume, as I did, that the law professors who are interviewing you will decide that you have scholarly potential just because you performed well in law school. Moreover, if you do manage to impress a school enough to be called back for an on-campus interview you may be asked to give a job talk within as little as a week of the hiring conference. Therefore, regardless of whether you plan to complete an article by the fall conference, you must take the crucial first step of selecting a topic and developing it as much as possible.

You Don't Have to Write an "Opus"

The first hurdle to overcome in thinking up a topic is the notion that you are trying to come up with your life's work. You don't have to write an opus. You can wait until you're a distinguished professor

* Assistant Professor, University of Toledo College of Law. B.A., 1985, Barnard College; J.D., 1990, Yale Law School.

1. See Rebecca E. Zietlow, *Two Wrongs Don't Add Up to Rights: The Importance of Preserving Due Process in Light of Recent Welfare Reform Measures*, 45 AM. U. L. REV. 1111 (1996).

with summer breaks and research grants to do that. For now, your goal is simply to produce and publish a thirty- to forty-page law review article about something interesting. Period. It does not matter where you publish at this point. Sure, we would all like to publish our first article in one of the top journals even before we set foot in the door of academia, but that is very unlikely to happen. As long as you can publish *something*, you're well on your way to impressing people and finding your way to a good job.

Write About Something that Interests You

I cannot emphasize enough the importance of writing about something that interests you. After all, you know how little extra time you have. The only way that you will have the motivation to carry out this time consuming project is if you are fascinated by your subject matter. Don't listen to people who tell you that you must write on such and such a topic in order to be taken seriously. If you are not really interested in your topic, you will never even progress to the point of anyone knowing that you are exploring it. Write about something that you care enough about to research in depth.

Combine Your Practical Experience with Your Scholarly Interests

The first step toward coming up with a topic is to sit back and think about what interesting legal issues have come up in your practice in the past year or so. How many times have you thought to yourself, "this is a problem that someone should address," or, "if only more people knew about this issue"? Also, think back to topics that you wrote about in law school—are any of them relevant to issues that you see in your work today? The best idea will combine both practical insight and theoretical background. As a practicing attorney who successfully completed law school, you have both already. Use your imagination.

As I mentioned, I did not have my topic when I attended the fall hiring conference. Fortunately for me, some schools still were interested enough to call me back for an interview. The genesis of my law review article came when the head of the hiring committee at the University of Toledo College of Law called and invited me to give a job talk. I had three weeks to get ready! After my initial excitement, I realized that in that short time I not only had to come up with a topic, but I had to outline a fifteen- to twenty-minute talk. This made for a fairly stressful situation. However, as all of you who practice law know well, a deadline can do wonders for productivity.

I chose to focus on some nagging issues from my practice. In my practice, I saw many clients who were dependent on public benefits. Much of my practice involved attending administrative "fair hearings" at which I resolved my clients' cases. The Federal Welfare Reform Act,⁵ which was proposed at the time and since has been enacted into law, was to end welfare recipients' entitlement to federal benefits and perhaps also would end my clients' constitutional entitlement to fair hearings. I thought that this was a very important issue, but I had seen little discussion of it in the news or in scholarly journals.

The second inspiration for my paper came from my theoretical background in law school. I remembered reading articles by Critical Race Theorists about the importance of structured rights for people of color.⁶ Those articles were written in the context of the "rights debate" among critical legal theorists, a debate that focused on civil rights statutes such as Title VII. Yet it seemed to me that the arguments were just as relevant to procedural rights. I worked in a segregated neighborhood in Chicago and my clients were almost exclusively African American women, members of a group that historically has been disempowered. I had seen my clients suffer from the prejudice of decision makers when they were not protected by formal procedures. Because my practical experience had been consistent with my theoretical interests, the idea for my paper was born.

Another way to come up with an idea is to respond to a call for papers in a symposium issue of a law review. If your idea is accepted by the law review, then you will have a "forthcoming publication" without even completing the article. This plan worked for my husband, a practicing attorney, who responded to a call for papers about the future of public housing.⁷ You should keep your eyes open for such symposia.

2. Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 8 U.S.C. § 1601 *et seq.*

3. See, e.g., Richard Delgado, *The Ethereal Scholar: Does Critical Legal Studies Have What Minorities Want?*, 22 HARV. C.R.-C.L. L. REV. 301, 314-15 (1987) (finding informal legal processes to have a negative impact on minorities); Mari J. Matsuda, *Looking to the Bottom: Critical Legal Studies and Reparations*, 22 HARV. C.R.-C.L. L. REV. 323, 390-91 (identifying the need for structure in containing and eliminating racism); Patricia J. Williams, *Alchemical Notes: Reconstructing Ideals From Deconstructed Rights*, 22 HARV. C.R.-C.L. L. REV. 401, 408 (1987) (commenting on the need for formal legal processes to ensure rights).

4. See W. David Koeninger, *A Room of One's Own and Five Hundred Pounds Becomes a Piece of Paper and "Get a Job": Evaluating Changes in Public Housing Policy from a Feminist Perspective*, 16 ST. LOUIS U. PUB. L. REV. 445 (1997).

Finding Time to Research and Write Your Paper

Of course, you will have to do some research to finalize your topic and make sure that it is original.⁵ And you have to research in order to write, of course. But where are you going to do it? And how will you find time in your busy schedule? You should try to find the most convenient law library in order to make research as easy on yourself as possible. If you work in a large law firm, you may have a good library at your fingertips. But if you work in a smaller practice, or in a public interest job as I did, you will have to leave your office to find your research sources.

Every legal community has a law library. If you live near your alma mater, go back to the library you frequented as a student. The advantage to that approach is familiarity and ability to find things easily. Remember, you are striving for maximum ease and efficiency. Of course, you may live thousands of miles from the law school that you attended, like I did. Even so, there is probably another law school near where you live and practice. Most law schools are willing to allow practicing attorneys to use their facilities. If you live in a big city such as Chicago, there also may be a decent library run by the local bar association or the city or county. I did all of my research in the Cook County Library. I was surprised at how good the library's collection was—it had every source that I needed, and it had the advantage of being conveniently located in the same building as the courts where I often had to appear. Most important for my morale, it was on the twenty-ninth floor in downtown Chicago and had an excellent view.

Finding time to do research is difficult. Since the library I used was in the building where I appeared in court, I was able to get a lot done during the breaks between my court appearances. Lunch breaks were also handy. And there was always the evening. I usually copied articles during my breaks and read them at night. (I kept a lot of change on hand to use the copy machine.) If you have access to the Internet and know how to use it for research, that should also be a valuable and convenient resource. Remember, if your research is interesting to you, it will be a lot easier to find time to do it.

Once you've completed your research and you've outlined your paper, you are in good shape. For one thing, you are pretty much ready for your job talk. For another thing, all you have to do is flesh things out. But finding time to do this with an overloaded schedule still can be extremely challenging; especially since you need blocks of time so that you can keep your concentration in order

5. The originality, or "preemption," check may be easier for you if you write about a current topic like I did.

to be productive. You will need to write in the evenings, on weekends, and during vacations—I wrote a good deal of my first draft on a laptop computer while on vacation in Cape Hatteras. The good news is, you really can be very productive in two-hour increments, especially if your topic is very interesting to you. My advice is to keep your eyes on the prize. Always keep in mind how important this project is to you and to the future of your career.

Once you have written a draft, do not be afraid to show it to friends, former law professors, and people who practice in the field to get their comments and criticisms. This step is very important as a reality check because it is easy to lose perspective on your project when you are working so hard. It is also a means of enriching your work. In addition, if your references read your work and like it, that gives them more to talk about when they start getting interested phone calls about you. It also can boost your confidence when other people read your work and agree that it makes sense. Finally, don't be defensive, and be open to incorporating the suggestions of other people into your final draft. You chose those people because they know something, right? Take advantage of their wisdom.

Submitting Your Article for Publication

Once you have a draft that you feel good about, you are ready to send it out for publication. It is probably ready to send out even if you do not feel that it is completely polished because you will have to make some changes during the editing process, anyway. The question is, where do you send it? If you are submitting an article for a symposium issue, then you already know where to send it. However, if your article is not chosen for the symposium, do not hesitate to submit it to other journals. There are over 300 law journals that might be interested in publishing your article. You should probably submit your article to at least fifty to seventy journals. If you can, contact one of your former law professors or one of your friends already in academia for suggestions on places to submit articles. If you are writing in a specialized area (such as environmental or international law), submit your article to journals that specialize in your area. Be imaginative about what specialty journals might be interested. For example, I submitted my article to journals that specialized in women's issues and feminism and got a very positive response from them.

You should start to receive responses from journals about three to four weeks after you have sent out your article. You will be rejected by many journals. Do not fear rejection; the odds are good that your article will be accepted by at least one journal (remember, there are over 300 of them). Once you receive an offer of publication

from one journal, you can still contact other journals to see if they are interested—many people do. The first journal that calls you probably will give you a deadline to respond to them. That gives you an opportunity to call other more prestigious journals to request an expedited review of your article. Don't assume that other journals are not interested because you have not heard from them (unless you have not heard from them for over two months). They may just be behind schedule. It is up to you how many journals you want to contact for an expedited review. It is not a fun process and frequently does not yield substantial results. However, it may be reassuring to you to know that you did not lose an offer from a more prestigious journal just because you accepted another offer too soon.

Finally, you may receive offers to publish from more than one journal. How do you decide which journal to choose? For example, should you choose a primary journal from one school or a specialized journal from a more prestigious school? Again, you may want to get advice from your former law professors or friends in academia. You may also wish to ask some of your lawyer friends what they think. But don't worry about this step too much. You have a publication now, and the rest is frosting on the cake. If you and everyone you know cannot say which journal would look better on your resume, it is likely that other people won't know or care either.

Writing while you practice is not easy, but doing so can improve your chance of embarking on the academic career that you want. It is hard to come up with a topic and it is hard to find the time to complete work on it. But you can do it, and, in the process, you can make a valuable contribution to legal scholarship. Students (and remember, the law journal editors are students) like to get practitioners' viewpoints on the law, so your perspective may even help you to get published. Good luck!

PLACING THE CART BEFORE THE HORSE: PUBLISHING SCHOLARSHIP
BEFORE ENTERING THE LEGAL ACADEMY*Tanya K. Hernández**

It may appear paradoxical to discuss the benefits of publishing before you become a law school professor—when one reason you may want to enter academia is because you would like to dedicate more time to scholarly pursuits. Yet it is well documented that scholarship has become a critical feature of entering and thriving in an academic career.⁹ An outgrowth of this development is the increasing importance of demonstrating a commitment to the pursuit of scholarship even before embarking upon the profession of teaching. The competitive market for entry-level teaching slots exacerbates the desire of law schools to seek candidates who have published scholarly writings already. One reason scholarship is such a focus of the faculty hiring process is that productive scholars bring recognition to the institution for which they work.¹⁰

The Benefits of Pre-Hire Scholarship

Publishing while engaged in the practice of law has a number of immediate benefits: 1) it shows potential employers that you are a serious candidate, not a presumed refugee from the stress of law practice; 2) it may persuade law schools that the expense associated with interviewing and hiring you is a better risk than with other candidates;¹¹ 3) it provides you with a source of ideas from which to prepare your job talk—the scholarly presentation that will be the primary focus of your on-campus interviews; 4) for those job applicants who lack the traditional indicators of scholarly potential such as a student note publication, law review editorial experience, a judicial clerkship, or an LL.M., it demonstrates their capacity for scholarly analysis; and 5) it sets in motion the discipline that is

* Assistant Professor, St. John's University. B.A., 1986, Brown University; J.D., 1990, Yale Law School.

1. See, e.g., ERNEST L. BOYER, SCHOLARSHIP RECONSIDERED: PRIORITIES OF THE PROFESSORATE at xi (1990) (showing that over time the focus of the academy has changed from teaching and service to primarily scholarly inquiry).

2. TERRY L. LEAP, TENURE, DISCRIMINATION, AND THE COURTS 81 (2d ed. 1995).

3. The emphasis on mandating increased numbers of articles from faculty members heightens the need to choose candidates who appear more disposed to the active production of scholarship. *Report of the AALS Special Committee on Tenure and the Tenuring Process*, 42 J. LEGAL EDUC. 477, 484 (1992) (stating that the tenure process has changed to emphasize the production of scholarship).

crucial to productive scholars.¹² An early start in the production of scholarship can ease the burdens that will be placed on you as a junior faculty member to dedicate yourself to effective teaching while simultaneously researching and writing.¹³ For instance, with an early start, I was able to transform my job talk research into an article while making the transition to the rigors of teaching and writing.¹⁴ Furthermore, if you graduated from law school more than five years ago, pre-hire publications can override any institutional concern that legal practice has diminished your ability to engage legal theory substantively beyond the confines of a law practice.

The Mechanics of Scholarly Writing

A number of commentators have written about the mechanics of writing a law review article (some of those articles are listed below). Although scholarly publications are advantageous in the form of books or law review articles, I shall focus upon the more commonly utilized venue of law review articles. The complex task of writing a law review article can be abbreviated to the following eight steps: 1) setting aside the time to work consistently on the project; 2) choosing a topic; 3) conducting a peremptory check to ensure that no other publications already address your chosen topic in the same manner;¹⁵ 4) researching and outlining a thesis; 5) writing a first draft;

4. "[S]cholarship . . . is the most important category of evaluation at many colleges and universities[.] . . . and the academic reward structure is still heavily weighted toward scholarship." John D. Copeland & John W. Murry, Jr., *Getting Tossed From the Ivory Tower: The Legal Implications of Evaluating Faculty Performance*, 61 MO. L. REV. 233, 241 (1996). Furthermore, an active scholar can bring new ideas into the classroom. See LEAP, *supra* note 2, at 81.

5. Marin Roger Scordato, *The Dualist Model of Legal Teaching and Scholarship*, 40 AM. U. L. REV. 367, 381 (1990) ("[T]he practical conflicts generated by the need to engage simultaneously in both classroom teaching and legal scholarship are focused most sharply on the most junior members of law school faculties:").

6. See Tanya Kateri Hernández, "Multiracial" Discourse: Racial Classifications in an Era of Color-Blind Jurisprudence, 57 MD. L. REV. 97 (1998).

7. Choosing a topic viewed as non-traditional "has the advantage of minimizing preemption worries." Heather Meeker, *Stalking the Golden Topic: A Guide to Locating and Selecting Topics for Legal Research Papers*, 1996 UTAH L. REV. 917, 930; see also Robert P. Wasson, Jr., *Introductory Comments by Panelist Robert P. Wasson, Jr., on Split Personalities: Teaching and Scholarship in Non-Stereotypical Areas of the Law*, 19 W. NEW ENG. L. REV. 102, 106 (1997) (stating that there are no disadvantages in writing in a "non-stereotypical" area). But see Richard Delgado, *The Imperial Scholar Revisited: How to Marginalize Outsider Writing, Ten Years Later*, 140 U. PA. L. REV. 1349 (1992) (describing the continued resistance to reforms of "legal-academic discourse on issues of race and equality" that would result in the publishing of more work by marginalized "outsider" scholars); Arthur Austin, *Evaluating Storytelling as a Type of Nontraditional Scholarship*, 74 NEB. L. REV. 479 (1995) (discussing the problems of evaluating storytelling).

- 6) circulating the first draft for comments from knowledgeable colleagues; 7) revising your draft and responding to the helpful suggestions that you received from circulating the first draft; and
- 8) checking the revised draft for a consistent system of citation.

The Publication Process

The process of having a law review article published begins with the submission of a manuscript to law review editorial boards listed in *The Directory of Law Reviews and Scholarly Legal Periodicals*. *The Directory* is published annually by the Anderson Publishing Company. Requests for copies of *The Directory* should be directed to Anderson Publishing Co., Law School Division, 2035 Reading Road, Cincinnati, OH 45202. You can also contact them by phone: (800) 582-7295; e-mail: andpubco@aol.com; and fax: (513) 562-8110. *The Directory* lists the addresses, telephone numbers, and fax numbers of all of the student-edited law reviews in the United States alphabetically and by subject-matter focus. In addition, *The Directory* provides a list of non-student edited peer review and trade journals.

Your choice of which law reviews to submit your manuscript may be influenced by the presumed prestige of the journal. A ranking of law reviews can be found in the *Chicago-Kent Law Review Faculty Scholarship Survey*.¹⁶ In addition, law review prestige also is assessed by the perceived prestige of the law school that sponsors the journal.¹⁷ Because special-focus journals tend to have smaller circulations, they are often viewed by law faculties as less competitive and thus less prestigious than general student-edited reviews. For instance, the *Harvard Civil Rights-Civil Liberties Law Review* is the only student-edited specialty journal that was ranked recently in the top twenty law reviews by the Chicago-Kent Law Review Faculty Scholarship Survey. Trade journals and other peer-review journals

8. Collen M. Cullen & S. Randall Kalberg, *Chicago-Kent Law Review Faculty Scholarship Survey*, 70 CHI.-KENT L. REV. 1445, 1452-55 (1995); see also Janet M. Gumm, *Chicago-Kent Law Review Faculty Scholarship Survey*, 66 CHI.-KENT L. REV. 509, 516-18 (1990); Robert M. Jarvis & Phyllis G. Coleman, *Ranking Law Reviews: An Empirical Analysis Based on Author Prominence*, 39 ARIZ. L. REV. 15, 19-24 (1997) (basing ranking of law reviews on national prominence of lead articles); James Lindgren & Daniel Seltzer, *The Most Prolific Law Professors and Faculties*, 71 CHI.-KENT L. REV. 781, 787-91 (1996). Electronically published journals are few in number, and it is still unclear how electronically published law journals will be perceived over time. Bernard J. Hibbitts, *Last Writes? Reassessing the Law Review in the Age of Cyberspace*, 71 N.Y.U. L. REV. 615, 662-66 (1996).

9. Law school prestige is an elusive concept. One attempt to determine it is the annual U.S. News & World Report ranking. See U.S. NEWS & WORLD REPORT, *Law Schools: Exclusive Rankings*, in 1998 BEST GRADUATE SCHOOLS 47.

generally favor practice-oriented submissions and tend not to be the best forum in which to publish more theoretical inquiry.

Most journals, except for a few noted in *The Directory*, permit simultaneous submissions. The authorization for simultaneous submissions permits you to use a mass distribution method of submission. The alternative method of staggered submissions may have the benefit of decreasing the likelihood that you will to evaluate an offer for publication from your least preferred publications before your first choice journals can respond.

Regardless of which distribution method you choose, legal academics speculate that the best time for submitting an article is in the beginning of the spring (February–March) when the law reviews elect new editorial boards and begin selecting articles for new volumes of the journals. The end of summer (August–September) is another opportune time for submitting your article because that is when student editors begin to return to campus for article selection meetings. However, law review boards accept article submissions year-round and have needs for replacement articles outside of the spring and fall submission seasons. You should note that, although most law reviews typically publish four issues for each yearly volume, the editorial boards reserve pages for symposiums, student notes, book reviews, commentaries, and specialized surveys of law—which leaves less space for the thousands of submissions that law review boards receive each year.

The article selection system is the most mysterious stage of the publication process because the editorial decisions on submissions are generally shielded from public view. Academics muse that the following items are likely to influence your ability to obtain a publication offer: 1) the recognition level of your name; 2) the ranking of the institution with which you are affiliated; 3) the prominence of the persons you thanked in your first footnote;¹⁸ 4) how well your article is “blue-booked” for the editing ease of the law review; 5) whether you have a large number of footnotes (which is presumed to indicate thorough research); and 6) a catchy title.

Once you receive and accept an offer for publication, the joy of the process does not end. In fact, as some of the articles listed hereafter attest, struggle for control over the substance and organization of the manuscript can ensue. But the hard work of publishing is validated by the leverage it provides in the legal teaching market and the gratification of creating a legacy. In sum, the difficulties of researching and writing a law review article while engaged in the practice of law are

10. If established leaders in the field are thanked by the author, it may boost the author's credibility. See Arthur D. Austin, *Footnotes as Product Differentiation*, 40 VAND. L. REV. 1131, 1145–46 (1987).

compensated for by the glimpse that this process provides into the daily work of an academic.

Helpful Materials on Writing and Publishing Law Review Articles

C. Steven Bradford, *As I Lay Writing: How to Write a Law Review Article for Fun and Profit*, 44 J. LEGAL EDUC. 13 (1994).

Michael L. Closen & Robert J. Dzielak, *The History and Influence of the Law Review Institution*, 30 AKRON L. REV. 15 (1996).

Richard Delgado, *How to Write a Law Review Article*, 20 U.S.F. L. REV. 445 (1986).

Rosa Ehrenreich, *Look Who's Editing: At Law Reviews, It's the Students Who Call the Shots—and Some Professors Can't Take It Anymore*, LINGUA FRANCA, Jan.–Feb. 1996.

ELIZABETH FAJANS & MARY R. FALK, *SCHOLARLY WRITING FOR LAW STUDENTS* (1995).

Josh E. Fidler, *Law Review Operations and Management: An Empirical Study of the New York University Law Review Alumni Association*, 33 J. LEGAL EDUC. 48 (1983).

Ronald B. Lansing, *The Creative Bridge Between Authors and Editors*, 45 MD. L. REV. 241 (1986).

Jordan H. Leibman & James P. White, *How the Student-Edited Law Journals Make Their Publication Decisions*, 39 J. LEGAL EDUC. 387 (1989).

Heather Meeker, *Stalking the Golden Topic: A Guide to Locating and Selecting Topics for Legal Research Papers*, 1996 UTAH L. REV. 917.¹⁹

Juan F. Perea, *After Getting to Yes: A Survival Guide for Law Review Editors and Faculty Writers*, 48 FLA. L. REV. 867 (1996).

Richard A. Posner, *The Future of the Student-Edited Law Review*, 47 STAN. L. REV. 1131 (1995).

11. This article discusses how to locate potential writing topics by searching for unresolved areas of the law in casebooks, treatises, case digests, petitions for certiorari, news sources, electronic databases, and loose-leaf newsletters.

Christopher Shea, *Students v. Professors: Law Review Debate Heats Up as Student Editors Clash With Faculty Authors*, CHRON. HIGHER ED., June 2, 1995, at A33.

Symposium on Law Review Editing: The Struggle Between Author and Editor Over Control of the Text, 70 CHI.-KENT L. REV. 71 (1994).

Donald J. Weidner, *A Dean's Letter to New Law Faculty About Scholarship*, 44 J. LEGAL EDUC. 440, 442-45 (1994).